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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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EXAMINER

JEAN, FRANTZ B

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 2155 | 13 |

DATE MAILED: 08/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) |
|-----------------------|-----------------|-----------------|
| | 09/420,434 | FRIEDMAN ET AL. |
| | Examiner | Art Unit |
| | Frantz B. Jean | 2155 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 11 July 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-19 and 23-28 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-19 and 23-28 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. _____.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

4) Interview Summary (PTO-413) Paper No(s) _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: *Frantz B. Jean*

Art Unit: 2155

DETAILED ACTION

1. This office action is in response to an amendment filed on 7/11/2003. Claims 1-19 and 23-28 are still pending in this application.
2. The amendment received on 07/11/2003 has been entered.
3. The CPA has been received and entered.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 25-28 rejected under 35 U.S.C. 102(a) as being anticipated by Spector (hereinafter "Spector", 5,870,718).

6. As per claims 25-28, Spector teaches a method for associating customized greeting cards with tangible goods comprising: Maintaining a network accessible compilation of cards; receiving data identifying one of the cards; receiving data defining modifications to the cards (see figure 1: element C-P, 15 and 16; col 3 lines 1 et seq); printing the card in combination with the modification (see figure 2; col 3 lines 44 et seq); matching a printed card with tangible goods (i.e a gift or gift certificate interpreted here as a tangible goods) associated with a recipient of the printed card (see Spector abstract and summary

Art Unit: 2155

of the invention). Authorizing shipment of the cards and the goods; card identifier, gift identifier are inherent and all part of Spector transaction (see col. 3 line 20 to col. 4-35).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(x) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 13-17, 19 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spector (hereinafter "Spector", 5,870,718) in view of Tackbary et al (hereinafter "Tackbary" 5,555,496).

9. As per claim 13 Spector discloses: In a computer usable memory, a data structure representing a card, the data structure comprising: data identifying one of a plurality of card templates; data identifying modifications to the identified card template (see col 3 lines 64-66); data associating the card with an electronic commerce vendor transaction (see figure 2). Although the method disclosed by Spector shows substantial features of the claimed invention (discussed above), it fails to disclose: data defining an address to which the card will be sent.

Art Unit: 2155

Nonetheless, this feature is well known in the art and would have been obvious modification of the method disclosed by Spector, as evidenced by Tackbary. In an analogous art, Tackbary discloses a data structure representing the card, the data comprising: data defining an address to which the card will be sent (see figure 6a: element 725. 730). Given the teaching of Tackbary, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Spector by employing the well known or conventional feature of a network, such as disclosed by Tackbary, in order to provide users with the ability to easily manage and deliver greeting cards over the network.

10. As per claims 14, 15 Spector discloses: data associating the card with an electronic commerce vendor transaction comprises: data defining a vendor identifier; data defining a vendor transaction identifier (see figure 2:, col 4 lines 8-11, and lines] 7-20)

11. As per claim 16, Spector discloses: data associating the card with an electronic commerce vendor transaction comprises: data defining a vendor network address (see figure 1 store A,B,C, col 3 lines 23-29).

12. As per claim 17, Spector fails to disclose: graphical information and data defining the relationship of the graphical information to the card image. However Tackbary teaches us a such

Art Unit: 2155

relationship of the graphical information to the card image (see col 10 lines 43-51). Therefore, a person of an ordinary skill in the art at the time invention was made would have found it obvious to combine the teachings of Spector and Tackbary by incorporating in Spector 's system Tackbary 's teaching related to relationship of the graphical information to the card image because this would enhance and make greeting cards more special and meaningful.

13. As per claim 19, Spector discloses: A computer system connectable to a computer network comprising:

A processor; a memory coupled to the processor for storing a plurality of card; a network interface coupled to the processor in a memory (see figure 1, element 1 1; and col 3 lines 49-54) Program logic configured to receive data identifying one of the plurality of cards and further defining modifications to the card; program logic configured to present an image of the card in combination with the received modifications to the card (see figure 1 : element 15; col 3 lines 6466, and figure 2)

Program logic configured to receive data identifying a destination address of the card; program logic configured to receive data identifying a vendor transaction associated with the card and program logic configured to transmit any of the card identifier, data modifying the card, destination address and vendor transaction identifier to a remote location over a computer network (see col 3 lines 46-49; and lines 38-41; figure 2 registration number is transaction).

Art Unit: 2155

14. As per claim 23, Spector discloses: program logic configured to receive payment for the card and for remit a portion of the payment to an identified charitable entity (see col 4 lines 2024).

15. As per claim 24, Spector discloses: program logic configured to present a graphic user interface having an appearance similar to a vendor website (see col 4 lines 15-19).

16. Claims 1-12 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spector

(hereinafter "Spector", 5,870,718) in view of Tackbary et al (hereinafter "Tackbary" 5,555,496) and further in view of Gill et al. ("Gill") patent No. 6,052,514 and Parks patent No. 6,038,573.

17. As per claims 1,4 and 12, Spector discloses: In a computer system connectable to a computer network, a method comprising:

Maintaining a network accessible compilation of cards; receiving data identifying one of the cards; receiving data defining modifications to the cards (see figure 1: element C-P, 15, and 16; col 3 lines 1-7).

Presenting an image of the card (see figure 2; col 3 lines 64-67).

Although the method disclosed by Spector shows substantial features of the claimed invention (discussed above), it fails to disclose: receiving data identifying a destination address (postal address) of the card. Nonetheless, this feature is well known in the art and would have been obvious modification of the method disclosed by Spector, as evidenced by Tackbary. In an

Art Unit: 2155

analogous art, Tackbary discloses a computer system connectable to a computer network, a method comprising: receiving data identifying a destination address (postal address) of the card (see figure 6a: elements 725, 730; col 9, lines 43-49). Given the teaching of Tackbary, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Spector by employing the well known or conventional feature of a network, such as disclosed by Tackbary, in order to provide a convenient and fast service for buyers or users. Furthermore, Spector in combination with Tackbary do not explicitly disclose received modifications in WYSIWYG format. However, the concept and advantages of using received modifications in WYSIWYG format are well known in the art as evidenced by Gill and Parks (see Gill col. 3 lines 33-67 and col. 4 lines 1-57; Parks col. 2 lines 23-36) because it provides the users with a greater certainty concerning the accuracy of relevant information for each publication item (see Gill col. 4 lines 40-49). One of ordinary skill in the art at the time of the invention would have combined Gill and Parks features to Spector's and Tackbary's because it would have provided to the users in Spector and Tackbary with an accurate view and format of the information intended to be sent to another destination.

18. As per claim 2, Spector discloses: transmitting data representing modifications to the card over the computer network to a peripheral apparatus (see col 3 lines 45-48).

Art Unit: 2155

19. As per claim 3, Spector discloses: printing the card with a peripheral device (see col 3 lines 45-47).

20. As per claim 5, Spector fails to explicitly disclose: transmitting data identifying the card over the computer network to a remote database. However Tackbary teaches us a similar method that allows user transmitting data identifying the card over the computer network to a remote database (see figure 11, and col 12, lines 23-27). Therefore, a person of an ordinary skill in the art at the time invention was made would have found it obvious to combine the teaching of Spector and Tackbary by incorporating in Spector 's system Tackbary 's teaching related to transmitting data identifying the card over the computer network to a remote database because this would allow users to read and change/edit the card directly from remote database.

21. As per claims 6-10, Although the combine teaching of Spector and Tackbary show substantial features of the claimed invention (discussed above), they fail to disclose: the data defining modifications to the card comprises data defining a graphical image; a font color; a font size; a font style; and data representing scanned information. Nonetheless, this feature is well known in the art and would have been obvious modification of the method disclosed by Spector in view of Tackbary, as evidenced by Gill. In an analogous art, Gill discloses a method comprising data defining modifications to the card comprises data defining a graphical image; a font color; a font size; a font style; and data representing scanned information (see col 24 lines 31 et seq).

Art Unit: 2155

Given the teaching of Gill, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Spector in view of Tackbary by employing the well known or conventional feature of the data modifying the greeting card, such as disclosed by Gill, in order to provide users to have more option to personalize and customize their greeting cards.

22. As per claim 11, Spector discloses: the data defining modifications to the card comprises data representing user defined text (see col 3, lines 38-42).

23. As per claim 18, Spector discloses: A method for sending greeting cards over a computer network comprising: selecting a card from one of a plurality of card: modifying the card (see col 3. lines 64-66).

Designating a destination address; transmitting any of the card identifier, data modifying the card and destination address to a remote location over a computer network (see col 3 lines 47-48).

Authorizing printing of the card in combination with the modifications (see col 3 lines 44-48).

Spector teaches all limitations of claim 18 except for teaching a method that is. authorizing delivery of the card to the destination address in conjunction with an electronic commerce transaction with which the card is associated. However, Tackbary teaches us a similar method that related to authorizing delivery of the card to the destination address in conjunction with an electronic commerce transaction with which the card is associated (see col 12 lines 57-67 and col

Art Unit: 2155

13 lines 1-3). Therefore, a person of an ordinary skill in the art at the time invention was made would have found it obvious to combine the teachings of Spector and Tackbary by incorporating in Spector 's method Tackbary 's teaching related to authorizing delivery of the card to the destination address because this would provide a fast and convenient way for users/buyers who do want to save his/her time for another important job. Furthermore, Spector in combination with Tackbary do not explicitly disclose viewing the modifications to the card in WYSIWYG format. However, the concept and advantages of viewing the modifications to the card in WYSIWYG format are well known in the art as evidenced by Gill and Parks (see Gill col. 3 lines 33-67 and col. 4 lines 1-57; Parks col. 2 lines 23-36) because it provides the users with a greater certainty concerning the accuracy of relevant information for each publication item (see Gill col. 4 lines 40-49). One of ordinary skill in the art at the time of the invention would have combined Gill and Parks features to Spector's and Tackbary's because it would have provided to the users in Spector and Tackbary with an accurate view and format of the information intended to be sent to another destination.

Conclusion

24. Claims 1-19 and 23-28 are rejected in this application. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure Paton (5072253) (see abstract), Hsu et al 6,295,058 (see abstract); Wright 5,426,594 (see col 6 lines 23-50; and col 10-16)

Art Unit: 2155

Applicants are requested to consider the prior art references for relevant teachings when responding to this office action.

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz B. Jean whose telephone number is (703) 305-3970. The examiner can normally be reached on Monday thru Friday from 8:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam Hosain, can be reached on (703) 308-6662. The fax phone numbers for this Group are (703) 746-7238 for After-Final, (703) 746-7239 for Official, and (703) 746-7240 for Non-Official/Draft.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [Alam.Hosain@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Application/Control Number: 09/420,434:

Page 12

Art Unit: 2155



Frantz B. Jean
Primary Examiner
August 14, 2003
FBJ/